

AMENDED IN ASSEMBLY SEPTEMBER 2, 2003

AMENDED IN SENATE MAY 13, 2003

SENATE BILL

No. 156

Introduced by Senator Burton

February 11, 2003

An act *to amend Section 7501 of the Family Code*, relating to child custody.

LEGISLATIVE COUNSEL'S DIGEST

SB 156, as amended, Burton. Custody: residence of the child.

Existing law provides that a parent entitled to the custody of a child has a right to change the residence of the child, subject to the power of the court to restrain a removal that would prejudice the rights or welfare of the child. Existing law, as established in *In re Marriage of Burgess* (1996) 13 Cal.4th 25, provides that when a judicial custody order is in place, a custodial parent seeking to relocate bears no burden of establishing that it is necessary to do so.

This bill would state the intent of the Legislature to affirm the decision in the case described above and to declare that ruling to be the public policy of California and law of this state.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—~~

2 *SECTION 1. Section 7501 of the Family Code is amended to*

3 *read:*

1 7501. (a) A parent entitled to the custody of a child has a right
2 to change the residence of the child, subject to the power of the
3 court to restrain a removal that would prejudice the rights or
4 welfare of the child.

5 (b) *It is the intent of the Legislature to affirm the decision in In*
6 *re Marriage of Burgess (1996) 13 Cal.4th 25, and to declare that*
7 *ruling to be the public policy and law of this state.*

8 ~~It is the intent of the Legislature to affirm the decision in In re~~
9 ~~Marriage of Burgess (1996) 13 Cal.4th 25, and to declare that~~
10 ~~ruling to be the public policy of California.~~

